

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE: 2023 Amendment of the
United States Sentencing
Guidelines §§ 1B1.10 and
1B1.13**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI



ARTHUR JOHNSTON, CLERK

By: , Deputy Clerk

ORDER

The United States Sentencing Commission recently amended U.S.S.G. §§ 1B1.10 and 1B1.13, making those amendments retroactively applicable. Under 18 U.S.C. § 3006A(a)(1) and (c), and in its discretion, the Court appoints the Office of the Federal Public Defender for the Southern District of Mississippi to represent any criminal defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify for relief under these amendments. If counsel determines that the defendant may qualify for relief, the Office of the Federal Public Defender is also appointed to file the appropriate motion for relief.

As to any defendant the United States Probation Office or the Federal Public Defender's Office considers for eligibility, and as to defendants who file motions for modification through retained counsel, the Probation Office and the Clerk's Office for the Southern District of Mississippi are authorized to disclose Presentence Investigation Reports, Statements of Reasons, Judgments, and any BOP records provided to the Court to the Federal Public Defender's Office, the

United States Attorney's Office, or retained counsel, for use in determining that defendant's eligibility for relief under the amendments referenced in this Order.

Finally, if a defendant files a motion for relief based on these amendments—either pro se or through retained counsel—the United States is not required to file a response until the presiding judge instructs it to do so. *See* L.U. Crim. R. 47(C)(1) (“No response to a motion for post-conviction relief . . . is required unless directed by the court.”).

ORDERED this 19th day of October 2023.

Daniel P. Jordan, III
Chief United States District Judge